

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DERRICK COOMBS,	:	CIVIL ACTION NO. 1:05-CV-2308
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
DONALD KELCHNER, WARDEN	:	
SCI CAMP HILL,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 11th day of October, 2006, upon consideration of respondent's seventh motion for extension of time (Doc. 45) to answer the petition for writ of habeas corpus, *nunc pro tunc*, and it appearing that the failure to timely file a response was the result of excusable neglect, see Doc. 45-1, pp. 2-3 ¶¶ 4-6, FED. R. CIV. P. 6(b)(2)("[T]he court for cause shown may at any time in its discretion . . . upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect. . . ."), it is hereby ORDERED that the motion is GRANTED. The response shall be filed on or before October 22, 2006. It is further ORDERED that petitioner's motion for default judgment (Doc. 44) is DENIED. See Lemons v. O'Sullivan, 54 F.3d 357, 364-65 (7th Cir. 1995) (concluding that entry of default judgment is unavailable in habeas corpus proceedings); Goodman v. Keohane, 663 F.2d 1044, 1047 n. 4 (11th Cir. 1981).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge